

IN RE: PETITION FOR SPECIAL HEARING
SW/S Wise Avenue, 375' NW of
the c/l of Inverness Drive
(61 Wise Avenue)
12th Election District
7th Councilmanic District

Margaret Pagan
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-214-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 61 Wise Avenue, located in the Inverness area of Dundalk. The Petition was filed by the owner of the property, Margaret Pagan in response to a violation notice she received from the Zoning Administration and Development Management (ZADM) office. The Petitioner requests a special hearing to approve the use of a dwelling containing three apartments on the subject property, zoned D.R. 5.5, as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Margaret Pagan, property owner, William Pagan, William J. Hillegas, Sr., adjoining property owner on the east side, Rev. George Raduano, representing the former owner of the property, Lorne T. (Terry) Hastings, Registered Property Line Surveyor, and Anthony J. DiPaula, Esquire, Attorney for the Petitioner. Appearing as Protestants in the matter were Gregory Lilly, adjoining property owner on the west side, and Harry Hutchinson, who resides two doors away from the subject property, on the other side of Mr. Hillegas.

Testimony and evidence offered revealed that the subject property consists of 10,000 sq.ft., zoned D.R. 5.5 and is improved with a 2.5 story

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Date

By

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brick dwelling containing three apartments. In addition to the dwelling, the property is improved with two macadam driveways, one on each side of the dwelling. Ms. Pagan testified that she purchased the property in July, 1993 at which time the dwelling contained three apartments, all of which were occupied. She testified that she purchased the property from the Eastern Assembly of God Church, whose Pastor, George Raduano, was present at this hearing. Ms. Pagan identified a conditional use permit which was issued in 1993 for the use of this property as a three-apartment dwelling. She further testified that there is sufficient parking along the macadam driveways provided on both sides of the dwelling to accommodate all tenants.

As to the history of this property, Mr. William J. Hillegas, Sr., who resides adjacent to the property at 63 Wise Avenue, testified that he has lived next door for the past 20 years. Mr. Hillegas testified that he has lived in the area since 1937 and that the subject dwelling has existed on the property since 1940. He testified that as an agent for the Internal Revenue Service he had occasion to enter the home prior to 1945, and that the dwelling was used as three apartments at that time. Further testimony indicated that Mr. Hillegas has personal knowledge that the subject dwelling was three apartments prior to 1945 and that the three apartment use of the property has been continuous since that time. Mr. Hillegas further testified concerning a fire that occurred on this property that partially burned the dwelling and his efforts to rescue 13 children from the home at that time. He testified that even though there was fire damage to the home, the tenants continued to live on the property with the fire damage.

Also testifying on behalf of the Petitioner was George Raduano, Pastor of the Eastern Assembly of God Church. Rev. Raduano testified he

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has been the Pastor of the Eastern Assembly of God Church since 1960. He testified that the Church purchased the subject property in 1974 from a Mrs. Boyd and that the Church continued to use the property as three apartments from that time forward. In fact, Rev. Raduano resided in one of the apartments from 1974 until 1992. Rev. Raduano testified that the other tenants who resided on the property during that time were sporadic, in that Missionaries would visit the Church and reside in an apartment for a two- or three-month period and return the following year. Rev. Raduano also testified that since the Church purchased the property from Mrs. Boyd, it has expended a considerable amount of money to improve the property, including repairs necessary as a result of the fire. Rev. Raduano testified that since the Church had a tax exempt status, they were prohibited from collecting rent from the Missionaries and other tenants who occupied the three apartments. He testified that the Church did not charge rent to any of the tenants because the property was used for Church purposes and was not utilized as a source of income. Rev. Raduano also testified that during the time the Church owned the property, all three apartments were fully furnished. It was clear from his testimony that the Church never intended to abandon any of the three apartments that were contained within the dwelling.

Appearing and testifying in opposition to the Petitioner's request were Gregory Lilly and Harry Hutchinson, nearby residents of the area. Both Protestants corroborated the fact that there are three apartments existing within the dwelling and did not oppose the historical testimony offered by Mr. Hillegas and Rev. Raduano. Messrs. Lilly and Hutchinson testified that during the time the Church owned the property, they never had any problems with the tenants who occupied the three apartments.

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However, since Ms. Pagan's purchase of the property, the Police have been called to the site on several occasions, and there has been some disorderly conduct by the tenants. The Protestants also questioned the nonconforming status of the property, given the fact that the Church did not charge rent to the individuals who resided in the apartments. They believe that the Church, by not charging rent, has lost its nonconforming status as a three-apartment dwelling and that the relief requested should be denied.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling date in this case is January 1, 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

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Date 2/10/95
By [Signature]

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

The Protestants argued that because the Church failed to collect rent from any of the tenants who resided on the property that there was an abandonment of the three-apartment use of the subject property. The Protestants considered those individuals living in the apartments as residents, not tenants, since they did not pay rent to reside there. The concept of abandonment was addressed by the Court of Appeals in the Case of Landay v. Board of Zoning Appeals, et al, 173 Md. 460 (1938). This case arose out of Baltimore City and set forth the legal definition of the term "abandonment". This definition remains valid today. Within that case, the Court held that :

"Abandonment in law depends upon the concurrence of two, and only two, factors; one, an intention to abandon or relinquish; and two, some overt act or some failure to act, which carries the implication that the owner neither claims nor retains any interest in the subject matter of the abandonment." Landay, page 469-470.

This principal of law has been upheld numerous times by the Appellate Courts of this State. For example, in Canada's Tavern, Inc., v. Town of Glen Echo, 260 Md. 206 (1970), the Court noted its approval of the Landay definition of abandonment.

ORDER RECEIVED FOR FILING
Date 2/10/95
By [Signature]

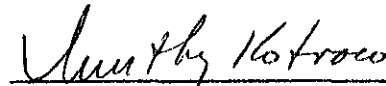
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Applying that definition to the instant case, I find that there has not been an abandonment of the three apartment use on this particular property. Even though the Church did not collect rent and the apartments were not used in the sense of a profit-making venture, I believe that there was no abandonment and that the property has been used continuously as a three-apartment dwelling since prior to January 1, 1945. Thus, in my opinion, the property enjoys a legal nonconforming use as a three-apartment dwelling and should therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1995 that the Petition for Special Hearing to approve the use of the dwelling on the subject property, zoned D.R. 5.5, as a legal, nonconforming three-apartment dwelling, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that a 30-day appeal period runs from the date of this Order. In the event an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/16/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 10, 1995

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S Wise Avenue, 375' NW of the c/l of Inverness Drive
(61 Wise Avenue)
12th Election District - 7th Councilmanic District
Margaret Pagan - Petitioner
Case No. 95-214-SPH

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Margaret Pagan
6804 Holabird Avenue, Baltimore, Md. 21222

Mr. Gregory Lilly
59 Wise Avenue, Baltimore, Md. 21222

Mr. Harry Hutchinson
65 Wise Avenue, Baltimore, Md. 21222

People's Counsel; File



#207



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

95-214-SPH

for the property located at

61 Wise Avenue, Dundalk, MD 21222

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a non-conforming use for three apartments within a D.R.5.5. zoning classification.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Margaret Pagan

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

6804 Holabird Ave.

284-6842

Address

Phone No

Edward C. Covahey, Jr.

(Type or Print Name)

Dundalk, Maryland

21222

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Signature

(same)

Name

614 Bosley Ave.

828-9441

Address

Phone No.

Towson, Maryland

21204

City

State

Zipcode

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

12/12/94

ORDER RECEIVED FOR FILING

Date

By

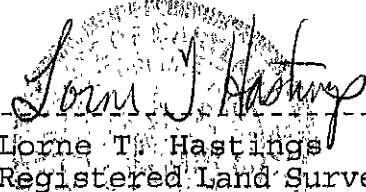


Zoning Description
Of 61 Wise Avenue

95-214-SPH

December 5, 1994

Beginning for the same on the southwest side of a service drive of Wise Avenue, 30 feet wide, at the distance of North 60 degrees 41 minutes West 355 feet measured along the southwest side of said service drive from the point of intersection of the northwest side of Inverness Avenue and the southwest side of said service drive; thence binding on the southwest side of said service drive, North 60 degrees 41 minutes West 100 feet, thence South 29 degrees 19 minutes West 100 feet; thence South 60 degrees 41 minutes East 100 feet; thence North 29 degrees 19 minutes East 100 feet to the place of beginning. Being known and designated as Lot No. 10 as laid out on the Plat of Inverness Annex No. 1 which Plat is recorded among the Land Records of Baltimore County in Plat Book C.H.K. No. 13 folio 27.



Lorne T. Hastings
Registered Land Surveyor No. 505

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-214-SPH
Townson, Maryland

District: 12th Date of Posting: 12/28/94
Posted for: Special Hearing
Petitioner: Margaret Pagen
Location of property: 61 Wise Ave, SW/S
Location of Signs: Facing road way, on property being zoned.
Remarks: _____
Posted by: [Signature] Date of return: 12/30/94
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-214-SPH (Item 207)

61 Wise Avenue

SW/S service drive of Wise

Avenue, 375' NW of

c/I Inverness Drive

12th Election District

7th Councilmanic

Legal Owner(s):

Margaret Pagan

HEARING: WEDNESDAY,

JANUARY 18, 1996 at 9:00

a.m. In Rm. 106, County Of-

fice Building.

Special Hearing to approve
a non-conforming use for three
apartments.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

12/316 December 29.

301

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 30, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 29, 1994

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Publisher



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-214-SPH

Account: R-001-6150

Number

Interim 1207

Taken In By: [Signature]

Date 12/12/94

Pagan, Margaret - 61 Wisc Avenue

040 - Spec. Flooring - \$250.00

080 - 1 sign - \$35.00

Total - \$285.00

11/12/94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

207



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 207

Petitioner: Margaret Pagan

Location: 61 Wise Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WILLIAM J. PAGAN OR MARGE PAGAN

ADDRESS: 6804 HOLABIRD AVE
BALTIMORE, MD 21222

PHONE NUMBER: 410-282-2849

AJ:ggs

(Revised 04/09/93)

207 207 207

TO: PUTUXENT PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

Margaret Pagan
6804 Holabird Avenue
Baltimore, MD 21222
410-282-2849

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-214-SPH (Item 207)
61 Wise Avenue
SW/S service drive of Wise Avenue, 375' NW of c/l Inverness Drive
12th Election District - 7th Councilmanic
Legal Owner(s): Margaret Pagan
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a non-conforming use for three apartments.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 22, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-214-SPH (Item 207)

61 Wise Avenue

SW/S service drive of Wise Avenue, 375' NW of c/l Inverness Drive

12th Election District - 7th Councilmanic

Legal Owner(s): Margaret Pagan

HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a non-conforming use for three apartments.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Margaret Pagan
Edward C. Covahey, Jr., Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 12, 1995

Edward C. Covahey, Jr. Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 207
Case No.: 95-214SPH
Petitioner: Margaret Pagan

Dear Mr. Covahey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 12, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Jan. 4, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Item No. 207

The Developers Engineering Section has reviewed the subject zoning item. The Petitioner should provide buffering for the adjacent neighbors. In addition, the issue of parking shall be clearly addressed.

RWB:sw

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(410) 887-4500

[illegible]

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JAN 8 1995

ZADM

1 4 8 11 14 17 20 23 26 29 32 35 38 41 44 47 50 53 56 59 62 65 68 71 74 77 80 83 86 89 92 95 98 101 104 107 110 113 116 119 122 125 128 131 134 137 140 143 146 149 152 155 158 161 164 167 170 173 176 179 182 185 188 191 194 197 200 203 206 209 212 215 218 221 224 227 230 233 236 239 242 245 248 251 254 257 260 263 266 269 272 275 278 281 284 287 290 293 296 299 302 305 308 311 314 317 320 323 326 329 332 335 338 341 344 347 350 353 356 359 362 365 368 371 374 377 380 383 386 389 392 395 398 401 404 407 410 413 416 419 422 425 428 431 434 437 440 443 446 449 452 455 458 461 464 467 470 473 476 479 482 485 488 491 494 497 500 503 506 509 512 515 518 521 524 527 530 533 536 539 542 545 548 551 554 557 560 563 566 569 572 575 578 581 584 587 590 593 596 599 602 605 608 611 614 617 620 623 626 629 632 635 638 641 644 647 650 653 656 659 662 665 668 671 674 677 680 683 686 689 692 695 698 701 704 707 710 713 716 719 722 725 728 731 734 737 740 743 746 749 752 755 758 761 764 767 770 773 776 779 782 785 788 791 794 797 800 803 806 809 812 815 818 821 824 827 830 833 836 839 842 845 848 851 854 857 860 863 866 869 872 875 878 881 884 887 890 893 896 899 902 905 908 911 914 917 920 923 926 929 932 935 938 941 944 947 950 953 956 959 962 965 968 971 974 977 980 983 986 989 992 995 998 1001 1004 1007 1010 1013 1016 1019 1022 1025 1028 1031 1034 1037 1040 1043 1046 1049 1052 1055 1058 1061 1064 1067 1070 1073 1076 1079 1082 1085 1088 1091 1094 1097 1100 1103 1106 1109 1112 1115 1118 1121 1124 1127 1130 1133 1136 1139 1142 1145 1148 1151 1154 1157 1160 1163 1166 1169 1172 1175 1178 1181 1184 1187 1190 1193 1196 1199 1202 1205 1208 1211 1214 1217 1220 1223 1226 1229 1232 1235 1238 1241 1244 1247 1250 1253 1256 1259 1262 1265 1268 1271 1274 1277 1280 1283 1286 1289 1292 1295 1298 1301 1304 1307 1310 1313 1316 1319 1322 1325 1328 1331 1334 1337 1340 1343 1346 1349 1352 1355 1358 1361 1364 1367 1370 1373 1376 1379 1382 1385 1388 1391 1394 1397 1400 1403 1406 1409 1412 1415 1418 1421 1424 1427 1430 1433 1436 1439 1442 1445 1448 1451 1454 1457 1460 1463 1466 1469 1472 1475 1478 1481 1484 1487 1490 1493 1496 1499 1502 1505 1508 1511 1514 1517 1520 1523 1526 1529 1532 1535 1538 1541 1544 1547 1550 1553 1556 1559 1562 1565 1568 1571 1574 1577 1580 1583 1586 1589 1592 1595 1598 1601 1604 1607 1610 1613 1616 1619 1622 1625 1628 1631 1634 1637 1640 1643 1646 1649 1652 1655 1658 1661 1664 1667 1670 1673 1676 1679 1682 1685 1688 1691 1694 1697 1700 1703 1706 1709 1712 1715 1718 1721 1724 1727 1730 1733 1736 1739 1742 1745 1748 1751 1754 1757 1760 1763 1766 1769 1772 1775 1778 1781 1784 1787 1790 1793 1796 1799 1802 1805 1808 1811 1814 1817 1820 1823 1826 1829 1832 1835 1838 1841 1844 1847 1850 1853 1856 1859 1862 1865 1868 1871 1874 1877 1880 1883 1886 1889 1892 1895 1898 1901 1904 1907 1910 1913 1916 1919 1922 1925 1928 1931 1934 1937 1940 1943 1946 1949 1952 1955 1958 1961 1964 1967 1970 1973 1976 1979 1982 1985 1988 1991 1994 1997 2000 2003 2006 2009 2012 2015 2018 2021 2024 2027 2030 2033 2036 2039 2042 2045 2048 2051 2054 2057 2060 2063 2066 2069 2072 2075 2078 2081 2084 2087 2090 2093 2096 2099 2102 2105 2108 2111 2114 2117 2120 2123 2126 2129 2132 2135 2138 2141 2144 2147 2150 2153 2156 2159 2162 2165 2168 2171 2174 2177 2180 2183 2186 2189 2192 2195 2198 2201 2204 2207 2210 2213 2216 2219 2222 2225 2228 2231 2234 2237 2240 2243 2246 2249 2252 2255 2258 2261 2264 2267 2270 2273 2276 2279 2282 2285 2288 2291 2294 2297 2300 2303 2306 2309 2312 2315 2318 2321 2324 2327 2330 2333 2336 2339 2342 2345 2348 2351 2354 2357 2360 2363 2366 2369 2372 2375 2378 2381 2384 2387 2390 2393 2396 2399 2402 2405 2408 2411 2414 2417 2420 2423 2426 2429 2432 2435 2438 2441 2444 2447 2450 2453 2456 2459 2462 2465 2468 2471 2474 2477 2480 2483 2486 2489 2492 2495 2498 2501 2504 2507 2510 2513 2516 2519 2522 2525 2528 2531 2534 2537 2540 2543 2546 2549 2552 2555 2558 2561 2564 2567 2570 2573 2576 2579 2582 2585 2588 2591 2594 2597 2600 2603 2606 2609 2612 2615 2618 2621 2624 2627 2630 2633 2636 2639 2642 2645 2648 2651 2654 2657 2660 2663 2666 2669 2672 2675 267





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-27-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

Re: Baltimore County
Item No.: +207 (MJK)

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTN: MS. JOYCE WATSON

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 21, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 207, 209, 210, 212, 214, and 215

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long
Caryl Keim

Division Chief:

PK/JL



Zoning

Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

95-214

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

January 3, 1995

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 207

VIOLATION CASE # C-94-2309, CITATION CASE # CV-95-124
LOCATION OF VIOLATION 61 WISE AVENUE
DEFENDANT MARGARET ANN ROSENBLATT - PAGAN
ADDRESS 61 WISE AVENUE, 21222
ATTORNEY- ED COVAHEY

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

ANNOM.

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Se
1/18

IN RE: PETITION FOR

* BEFORE THE

SPECIAL HEARING

* ZONING COMMISSIONER

IN THE MATTER OF

* OF BALTIMORE COUNTY

MARGARET PAGAN

* Case No. 95-214-SPH (ITEM 207)

* * * * *

SUBPOENA

TO: WILLIAM HILLEGAS
63 Wise Avenue
Baltimore, Maryland 21222

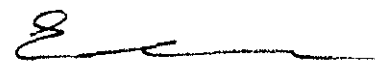
You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 106, County Office Building, 111 W. Chesapeake Ave.,

Towson, Maryland 21204

and to bring _____

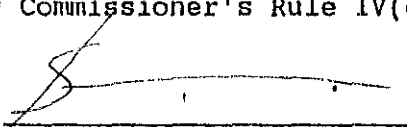
_____ at 9:00 a.m.
on the 18 day of January 1995, regarding the above captioned
case, for the purpose of testifying at the request of Margaret Pagan

_____.


EDWARD C. COVAHEY, JR.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorney for Petitioner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

MAILED 10 1995

IN RE: PETITION FOR
SPECIAL HEARING
IN THE MATTER OF
MARGARET PAGAN

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-214-SPH (ITEM 207)

* * * * *

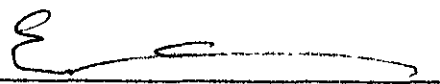
SUBPOENA

TO: REV. GEORGE RADUANO
c/o Eastern Assembly of God Church
7923 Wise Avenue
Baltimore, Maryland 21222

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 106 County Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204


and to bring _____

on the 18 day of January 1995 at 9:00 a.m., regarding the above captioned
case, for the purpose of testifying at the request of Margaret Pagan


EDWARD C. COVAHEY, JR.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorney for Petitioner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

MICROFILMED

Sim
1/18

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
61 Wise Avenue, SW/S service drive		
of Wise Avenue, 375' NW of c/l	*	ZONING COMMISSIONER
Inverness Dr., 12th Election Dist.,		
7th Councilmanic	*	OF BALTIMORE COUNTY
Margaret Pagan	*	CASE NO. 95-214-SPH
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

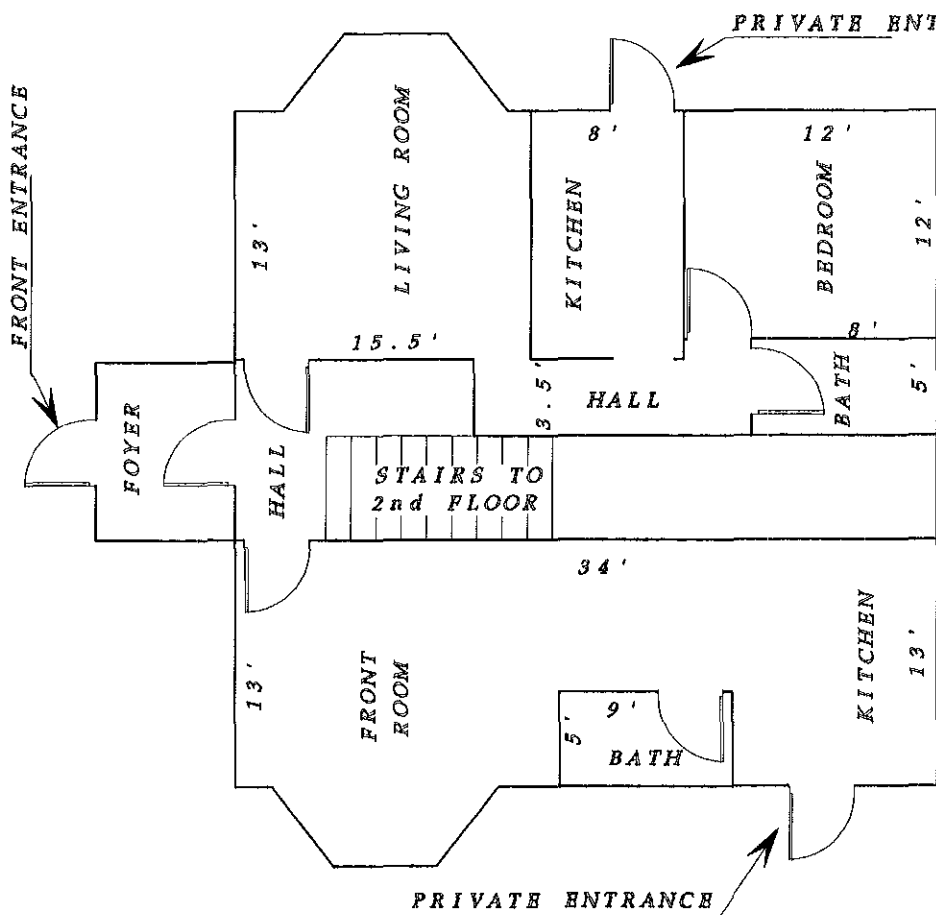
Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

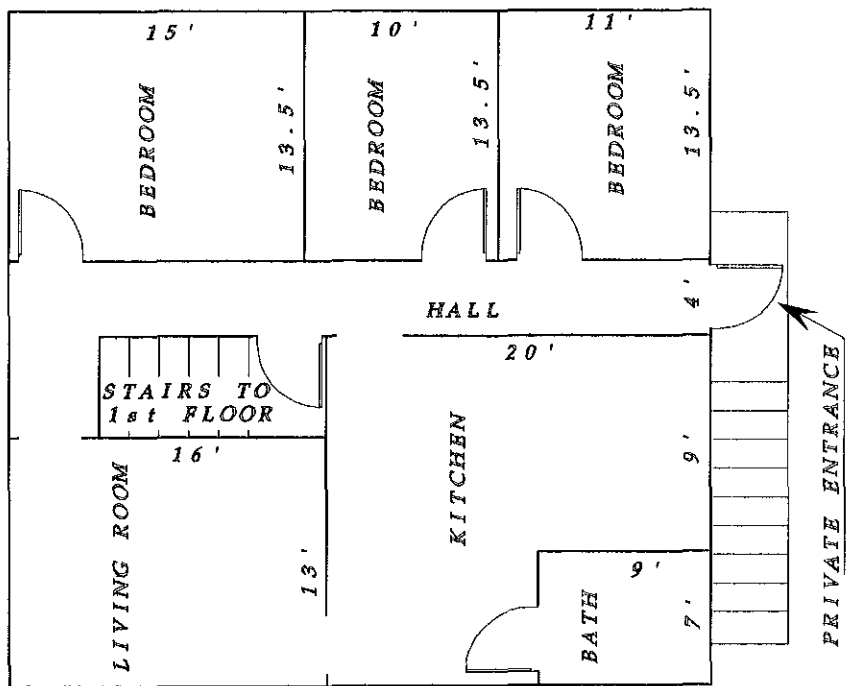
I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

1st FLOOR
2 APARTMENTS
FRONT



2nd FLOOR
1 APARTMENT
FRONT



PETITIONER'S
EXHIBIT NO. 2

#207

95-214-SQH

#207

FLOOR PLAN OF
61 WISE AVENUE

HASTINGS SURVEYING
41 EASTSHIP ROAD
BALTIMORE, MARYLAND 21222
(410) 288-5663

SCALE
NONE

DATE
12/6/94

JOB NO.
731

MLS# (BC) 70180 * * A C T I V E * * -1- RESIDENTIAL
61, WISE AVE. Z : 21222 MAP: BC45A05 L I S T : \$132,500
DUNDALK. GR.CAP: GROUND RENT : \$0

DESCRIPTION: VICTORIAN 2 LEVELS DETACHED 6 BEDROOMS 3/0 BATHS
AGE UNKN BRICK HOME AL/VNYL TRIM ASPH SH ROOF
LOT SIZE : .23 ACRES 100X100 W/LARGE DRIVEWAYS
R O O M S : LR : 13X15 DR : 11X15 KIT: 09X08
MB : 15X13/2 BR2: 13X12/2 BR3: 13X08/2 BR4: 12X10/1
FLOOR PLAN : FORMAL LR ENTRY HALL EAT IN KITCH MODERN KIT LAUNDRY
INTERCOM
APPLIANCES : ELEC RANGE SELF-CL OVEN REFRIGERATOR DISHWASHER DISPOSAL
AMENITIES : NO WAX KITCH EX CURTN ROD EX SHADES EX LGT FXTRS INCL 1+ APT
FAN ON RANGE CNTRL VACUUM UPDATD PLUMB UPDATED BATH SHOWER/TUB
LOWER LEVEL: HALF,UNIMPRV OUTSIDE ENTR
H E A T > > : FUEL-OIL HEAT-HWBB CENTRAL A/C CEILING FANS WDW SCREENS
EX STORM WNW EX RPLC WNWS EX STORM DRS ATTIC INSUL EX WALL INSL
S I T E > > : DECK EXT LIGHTING 2+CAR CARPRT PARKING PAD DRIVEWAY
OFF-ST PARK INSIDE LOT LEVEL LOT LANDSCAPED
U T I L > > : PUBLIC WATER PUBLIC SEWER 220V SERVICE
D E E D > > : LIBER: 5436 FOLIO: 681
ANNUAL FEES: TX: \$1,000
FINANCE > > :

DIRECTIONS : MERRITT BVD. TO E. ON WISE AVE.
REMARKS > > : VERY LARGE HOME.NOE AS 3 UNITS.#1-3BD,1BA,LR,EAT-IN KIT.
: DECK, UNIT #2-IBR,LR,KIT.,BA. UNIT #3-LARGE KIT.,AND LIVIN
: ROOM,BATH.,ALL UNITS W APPLIANCES,ZONED AS 3 UNITS.
EXCLUDED > > :
S H O W > > : CALL OFFICE CALL L.A. POSS: 60-90
N O T E > > : SIGN POSTED

* ALL INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED BY THE BROKER OR CMMLS *
** LISTING AGENT INFORMATION **
LA: Frances Cessna PH: 282-1691 CO: 3. BB: Y TL: ER
LB: 3152 Coldwell Banker PH: 410-288-1700 MLS#: (BC) 70180
- - COPYRIGHT (C) 1993 BY CENTRAL MARYLAND MULTIPLE LISTING SERVICE,INC. - - -

**PETITIONER'S
EXHIBIT NO. 3**

SEVERN APPRAISAL ASSOCIATES, INC.
Real Estate Appraisers

CONDITIONAL USE PERMIT

FOR

TWO OR MORE APARTMENTS

This Use Permit for 3 apartment(s) at 61 WISE AVE.
(address)
is issued entirely upon the basis of the herein affidavit, including the dates
of original use and continuous use sworn to therein. The responsibility for the
accuracy of said dates and uses is entirely that of the legal owner and/or agent
thereof. In the event that the accuracy is challenged our approval is auto-
matically withdrawn; the use permit will be reinstated only after public hearing
and submission of testimony that alleviates the allegations contained in the
challenge and otherwise provides the proofs necessary to establish a legal non-
conforming use for the number of apartments claimed. Knowingly falsifying the
affidavit information on the reverse side of this permit is subject to the
penalties of perjury.

DATE: 2/25/73

APPROVED BY:

Carl Zelen / ZCO
ZONING COMMISSIONER, BALTIMORE COUNTY

REV: 5/18/87 MS051

PETITIONER'S
EXHIBIT NO. 4

SEVERN APPRAISAL ASSOCIATES, INC.

Real Estate Appraisers

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

William J. Hillegas &
AFFIANT (Handwritten Signature)

WILLIAM J. HILLEGAS SA
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 61 WISE AVE, BALTO, MD 21222

has been occupied as a THREE apartment dwelling since
(two, etc.)

NOVEMBER 1942 ? YES
(month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since NOVEMBER,
(month)

1942 ? YES (SEE ATTACHED STATEMENT)
(year) (answer)

3. Will you realize any gain from the sale of this Property? NO
(answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25TH day of FEBRUARY, 1993, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Rev. George Radwan, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

George W. Hillegas
NOTARY PUBLIC

My Commission Expires: 3/1/93

**PETITIONER'S
EXHIBIT NO. 5**

MICROFILMED

SEVERN APPRAISAL ASSOCIATES, INC.**Real Estate Appraisers**

February 25, 1993

To Whom It May Concern:

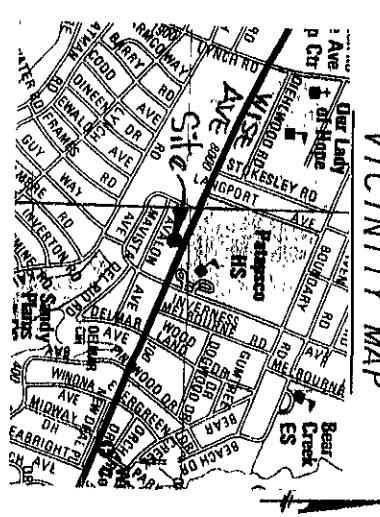
The house located at 61 Wise Ave. Baltimore, 21222 has been occupied as a three family dwelling since 1942. Since it was purchased by Eastern Assembly of God in 1974 it has continued to function as a three family dwelling. The senior pastor and his family have lived in the second floor apartment while the other two apartments have been occupied by the associate pastor and various missionaries and guest speakers. It has been used as temporary lodging, also.

Thank you,

William J. Hilliges Sr.
63 Wise Ave
Balto, Md 21222

W. Hilliges
3-1-93

VICINITY MAP



SCALE: 1" = 2000'

LEGEND

- IMPERVIOUS SURFACE
- DECIDUOUS TREE
- CONIFEROUS TREE
- UTILITY POLE

NOTES

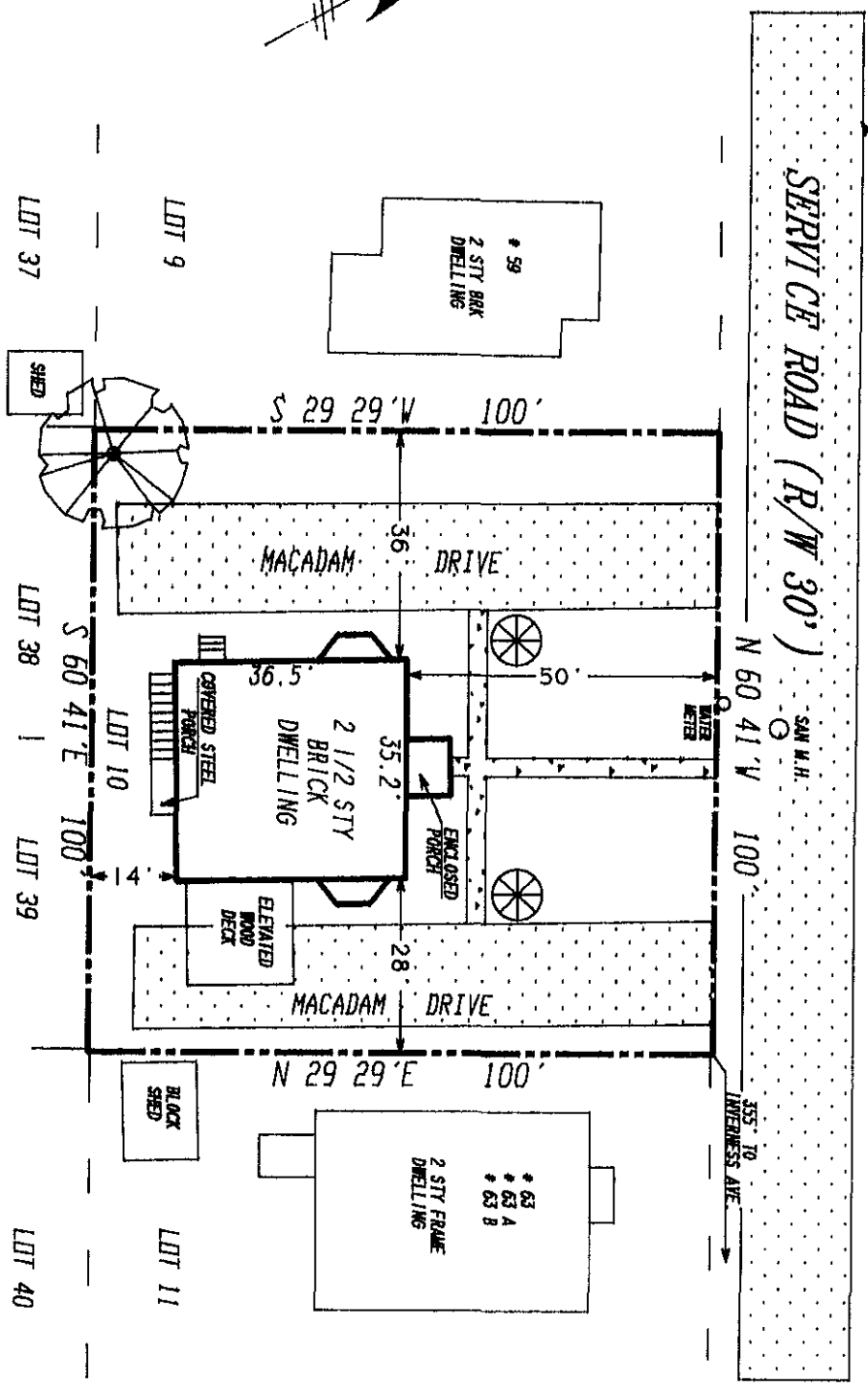
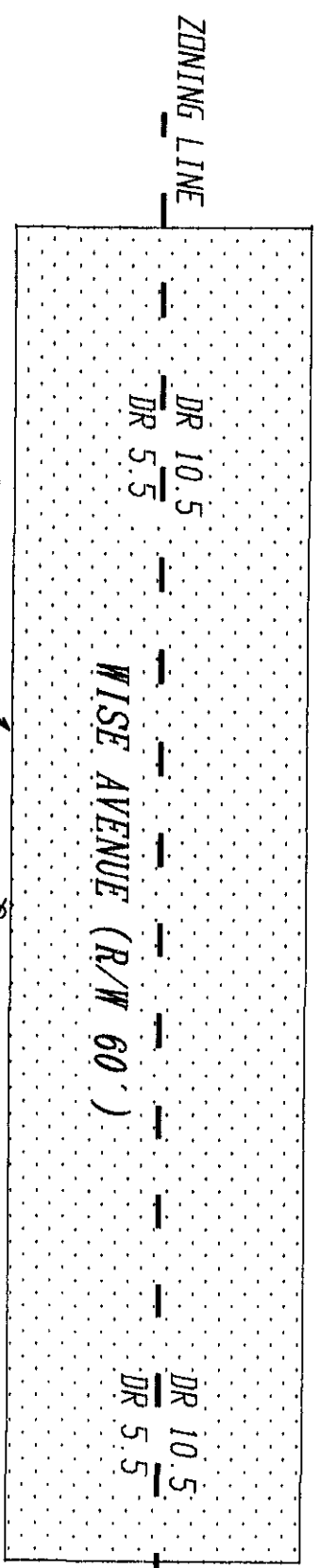
- OWNER: MARGE PAGAN
61 WISE AVENUE
BALTIMORE MARYLAND 21222
(410) 282-2849
- DEED REFERENCE: 9925/666
- PROPERTY ZONED DR 5.5
- AREA OF WHOLE TRACK: 10000 SQ.FT.
- PROPERTY HAS ACCESS TO PUBLIC WATER AND SEWER.
- PROPERTY IS IN THE CRITICAL BAY AREA.
- ALL STRUCTURES AND PAVING ARE EXISTING.
- 5866-V VARIANCE GRANTED TO PERMIT REAR YARD OF 14' INSTEAD OF THE REQUIRED 30'.
- A BOUNDARY SURVEY WAS NOT PERFORMED. ALL BEARINGS AND DISTANCES ARE TAKEN FROM THE TITLE DEED.
- REQUESTING A SPECIAL HEARING FOR A NON-CONFORMING USE FOR 3 APARTMENTS WITHIN A D.R.5.5 ZONE.

ZONING PLAT FOR
SPECIAL HEARING OF
61 WISE AVENUE

HASTINGS SURVEYING
41 EASTSHIP ROAD
BALTIMORE, MD. 21222
(410) 288-5663

COUNCILMANIC DISTRICT 7TH ELECTION DISTRICT 12TH
SCALE: 1"=30' 11 / 27 / 94 JOB # 731

Don J. Hastings
REG. NO. 505



PEITIONER'S
EXHIBIT NO. #1 95-214-SPH #207

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Anthony J. DiPanno, Esq.

614 Boswell Ave 21204

WILLIAM J. PAGAN

6804 Holobird Ave

Margaret Pagan

6804 Holobird Ave.

William J. Willegan &

63 Main Ave

George Radwan

1955 Sherry Rd 21222

Lorne Hartung

41 Eastship Rd 21222



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING
SW/S Wise Avenue, 375' NW of
the c/l of Inverness Drive
(61 Wise Avenue)
12th Election District
7th Councilmanic District
Margaret Pagan
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-214-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 61 Wise Avenue, located in the Inverness area of Dundalk. The Petition was filed by the owner of the property, Margaret Pagan in response to a violation notice she received from the Zoning Administration and Development Management (ZADM) office. The Petitioner requests a special hearing to approve the use of a dwelling containing three apartments on the subject property, zoned D.R. 5.5, as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Margaret Pagan, property owner, William Pagan, William J. Hillegas, Sr., adjoining property owner on the east side, Rev. George Raduano, representing the former owner of the property, Lorne T. (Terry) Hastings, Registered Property Line Surveyor, and Anthony J. DiPaula, Esquire, Attorney for the Petitioner. Appearing as Protestants in the matter were Gregory Lilly, adjoining property owner on the west side, and Harry Hutchinson, who resides two doors away from the subject property, on the other side of Mr. Hillegas.

Testimony and evidence offered revealed that the subject property consists of 10,000 sq.ft., zoned D.R. 5.5 and is improved with a 2.5 story

brick dwelling containing three apartments. In addition to the dwelling, the property is improved with two macadam driveways, one on each side of the dwelling. Ms. Pagan testified that she purchased the property in July, 1993 at which time the dwelling contained three apartments, all of which were occupied. She testified that she purchased the property from the Eastern Assembly of God Church, whose Pastor, George Raduano, was present at this hearing. Ms. Pagan identified a conditional use permit which was issued in 1993 for the use of this property as a three-apartment dwelling. She further testified that there is sufficient parking along the macadam driveways provided on both sides of the dwelling to accommodate all tenants.

As to the history of this property, Mr. William J. Hillegas, Sr., who resides adjacent to the property at 63 Wise Avenue, testified that he has lived next door for the past 20 years. Mr. Hillegas testified that he has lived in the area since 1937 and that the subject dwelling has existed on the property since 1940. He testified that as an agent for the Internal Revenue Service he had occasion to enter the home prior to 1945, and that the dwelling was used as three apartments at that time. Further testimony indicated that Mr. Hillegas has personal knowledge that the subject dwelling was three apartments prior to 1945 and that the three apartment use of the property has been continuous since that time. Mr. Hillegas further testified concerning a fire that occurred on this property that partially burned the dwelling and his efforts to rescue 13 children from the home at that time. He testified that even though there was fire damage to the home, the tenants continued to live on the property with the fire damage.

Also testifying on behalf of the Petitioner was George Raduano, Pastor of the Eastern Assembly of God Church. Rev. Raduano testified he

has been the Pastor of the Eastern Assembly of God Church since 1960. He testified that the Church purchased the subject property in 1974 from a Mrs. Boyd and that the Church continued to use the property as three apartments from that time forward. In fact, Rev. Raduano resided in one of the apartments from 1974 until 1992. Rev. Raduano testified that the other tenants who resided on the property during that time were sporadic, in that Missionaries would visit the Church and reside in an apartment for a two- or three-month period and return the following year. Rev. Raduano also testified that since the Church purchased the property from Mrs. Boyd, it has expended a considerable amount of money to improve the property, including repairs necessary as a result of the fire. Rev. Raduano testified that since the Church had a tax exempt status, they were prohibited from collecting rent from the Missionaries and other tenants who occupied the three apartments. He testified that the Church did not charge rent to any of the tenants because the property was used for Church purposes and was not utilized as a source of income. Rev. Raduano also testified that during the time the Church owned the property, all three apartments were fully furnished. It was clear from his testimony that the Church never intended to abandon any of the three apartments that were contained within the dwelling.

Appearing and testifying in opposition to the Petitioner's request were Gregory Lilly and Harry Hutchinson, nearby residents of the area. Both Protestants corroborated the fact that there are three apartments existing within the dwelling and did not oppose the historical testimony offered by Mr. Hillegas and Rev. Raduano. Messrs. Lilly and Hutchinson testified that during the time the Church owned the property, they never had any problems with the tenants who occupied the three apartments.

However, since Ms. Pagan's purchase of the property, the Police have been called to the site on several occasions, and there has been some disorderly conduct by the tenants. The Protestants also questioned the nonconforming status of the property, given the fact that the Church did not charge rent to the individuals who resided in the apartments. They believe that the Church, by not charging rent, has lost its nonconforming status as a three-apartment dwelling and that the relief requested should be denied.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling date in this case is January 1, 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

The Protestants argued that because the Church failed to collect rent from any of the tenants who resided on the property that there was an abandonment of the three-apartment use of the subject property. The Protestants considered those individuals living in the apartments as residents, not tenants, since they did not pay rent to reside there. The concept of abandonment was addressed by the Court of Appeals in the Case of Landay v. Board of Zoning Appeals, et al, 173 Md. 460 (1938). This case arose out of Baltimore City and set forth the legal definition of the term "abandonment". This definition remains valid today. Within that case, the Court held that:

"Abandonment in law depends upon the concurrence of two, and only two, factors; one, an intention to abandon or relinquish; and two, some overt act or some failure to act, which carries the implication that the owner neither claims nor retains any interest in the subject matter of the abandonment." Landay, page 469-470.

This principal of law has been upheld numerous times by the Appellate Courts of this State. For example, in Canada's Tavern, Inc., v. Town of Glen Echo, 260 Md. 206 (1970), the Court noted its approval of the Landay definition of abandonment.

Applying that definition to the instant case, I find that there has not been an abandonment of the three apartment use on this particular property. Even though the Church did not collect rent and the apartments were not used in the sense of a profit-making venture, I believe that there was no abandonment and that the property has been used continuously as a three-apartment dwelling since prior to January 1, 1945. Thus, in my opinion, the property enjoys a legal nonconforming use as a three-apartment dwelling and should therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1995 that the Petition for Special Hearing to approve the use of the dwelling on the subject property, zoned D.R. 5.5, as a legal, nonconforming three-apartment dwelling, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner is hereby made aware that a 30-day appeal period runs from the date of this Order. In the event an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bja

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 10, 1995

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S Wise Avenue, 375' NW of the c/l of Inverness Drive
(61 Wise Avenue)
12th Election District - 7th Councilmanic District
Margaret Pagan - Petitioner
Case No. 95-214-SPH

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bje

CC: Ms. Margaret Pagan
6804 Holabird Avenue, Baltimore, Md. 21222

Mr. Gregory Lilly
59 Wise Avenue, Baltimore, Md. 21222

Mr. Harry Hutchinson
65 Wise Avenue, Baltimore, Md. 21222

People's Counsel; File



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 61 Wise Avenue, Dundalk, MD 21222
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a non-conforming use for three apartments within a D.R.5.5. zoning classification.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Name	Signature	Legal Owner(s)
Type or Print Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address for Petitioner	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
City	Signature	Legal Owner(s)
State	Signature	Legal Owner(s)
Zip	Signature	Legal Owner(s)
Address and phone number of representative to be contacted	Signature	Legal Owner(s)
Name	Signature	Legal Owner(s)
Address	Signature	Legal Owner(s)
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Zoning Description
Of 61 Wise Avenue
December 5, 1994

95-214-SPH

Beginning for the same on the southwest side of a service drive of Wise Avenue, 30 feet wide, at the distance of North 60 degrees 41 minutes West 355 feet measured along the southwest side of said service drive from the point of intersection of the northwest side of Inverness Avenue and the southwest side of said service drive; thence binding on the southwest side of said service drive, North 60 degrees 41 minutes West 100 feet, thence South 29 degrees 19 minutes West 100 feet; thence South 60 degrees 41 minutes East 100 feet; thence North 29 degrees 19 minutes East 100 feet to the place of beginning. Being known and designated as Lot No. 10 as laid out on the Plat of Inverness Annex No. 1 which Plat is recorded among the Land Records of Baltimore County in Plat Book C.H.K. No. 13 folio 27.

Lorne T. Hastings
Lorne T. Hastings
Registered Land Surveyor No. 505

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 12/28/94
Posted for: Special Hearing
Petitioner: Margaret Pagan
Location of property: 61 Wise Ave, SW/S
Location of Signs: Along road edge, on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 12/30/94
Number of Signs: 1

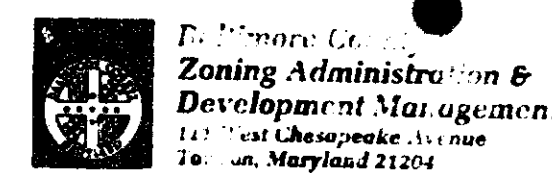
CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 30, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 29, 1994

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on January 18, 1995 at 9:00 a.m. in Room 106, County Office Building.
Case Number: 95-214-SPH (Item 207)
61 Wise Avenue
SW/S service drive of Wise Avenue, 375' NW of c/l Inverness Drive
12th Election District - 7th Councilmanic
Legal Owner(s): Margaret Pagan
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.
Special Hearing to approve a non-conforming use for three apartments.
LAWRENCE E. SCHWARTZ, Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) OFFER INFORMATION CONCERNING THE FILE NUMBER, HEARING, PLEASE CALL 867-3353.
12916 December 28



receipt
95-214-SPH

Date: 12/12/94

Account: R-001-6150

Number: 240-207

Pagan, Margaret - 61 Wise Avenue

040 - Spec. Hearing - \$250.00

080 - Sign - \$35.00

Total - \$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 207

Petitioner: Margaret Pagan

Location: 61 Wise Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William J. Pagan or Marge Pagan

ADDRESS: 6804 HOLABIRD AVE

BALTIMORE, MD 21222

PHONE NUMBER: 410-282-2849

AJ:ggg

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

Margaret Pagan
6804 Holabird Avenue
Baltimore, MD 21222
410-282-2849

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on January 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-214-SPH (Item 207)

61 Wise Avenue

SW/S service drive of Wise Avenue, 375' NW of c/l Inverness Drive

12th Election District - 7th Councilmanic

Legal Owner(s): Margaret Pagan

HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a non-conforming use for three apartments.

LAWRENCE E. SCHWARTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

DECEMBER 22, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on January 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-214-SPH (Item 207)

61 Wise Avenue

SW/S service drive of Wise Avenue, 375' NW of c/l Inverness Drive

12th Election District - 7th Councilmanic

Legal Owner(s): Margaret Pagan

HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a non-conforming use for three apartments.

Arnold Jablon
Arnold Jablon
Director

cc: Margaret Pagan
Edward C. Covahey, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE REMOVED TO BE. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.

Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

January 12, 1995

Edward C. Covahey, Jr. Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 207
Case No.: 95-214SPH
Petitioner: Margaret Pagan

Dear Mr. Covahey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 12, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (867-3391).

Sincerely,
W. Carl Richards Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: Jan. 4, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Item No. 207

The Developers Engineering Section has reviewed the subject zoning item. The Petitioner should provide buffering for the adjacent neighbors. In addition, the issue of parking shall be clearly addressed.

FWB:aw

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21286-5500
(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
410-887-4500

RE: Property Owner MARGARET PAGAN

LOCATION: 61 WISE AVENUE, 375' NW OF CENTERLINE
INVERNESS DR. (51 WISE AVE.)

Item No. 207 Zoning Ordinance SPECIAL PERMIT

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and our comments below are provided and desired to be
incorporated or incorporated into the final plans for the property.

The buildings and structures existing on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard for fire safety and life safety code
prior to occupancy.

RECEIVED
JAN 8 1995

ZADM

APPROVED: LT. ROBERT D. PERSONA
Fire Marshal Office, PHONE 887-4501, EXT. 1000

cc: [redacted]

Printed on Recycled Paper

MD SHA
Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: JEFFREY WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No. 7307 (MJK)

This office has reviewed the referenced item and we have no objection to
approval as it does not access a State roadway and is not effected by any State Highway
Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: December 21, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 207, 209, 210, 212, 214, and 215

If there should be any further questions or if this office can provide additional
information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl Keno

PK/JL

ITEM207/PZONE/TXTJWL



Zoning
Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator
January 3, 1995

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 207

VIOLATION CASE # C-94-2309, CITATION CASE # CV-95-124
LOCATION OF VIOLATION: 61 WISE AVENUE
DEFENDANT: MARGARET ANN ROSENBLATT - PAGAN
ADDRESS: 61 WISE AVENUE, 21222
ATTORNEY: ED COVAHEY

Please be advised that the aforementioned petition is the subject
of an active violation case. When the petition is scheduled for a
public hearing, please notify the following persons:

NAME & ADDRESS

ANNON.

After the public hearing is held, please send a copy of the Zoning
Commissioner's Order to the Zoning Enforcement Coordinator, so that the
appropriate action may be taken relative to the violation case.

IN RE: PETITION FOR
SPECIAL HEARING
IN THE MATTER OF
MARGARET PAGAN
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-214-SPH (ITEM 207)

TO: WILLIAM HILLEGAS
63 Wise Avenue
Baltimore, Maryland 21222

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 106, County Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204
and to bring

on the 18 day of January 1995, at 9:00 a.m., regarding the above captioned
case, for the purpose of testifying at the request of Margaret Pagan

EDWARD C. COVAHEY, JR.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorney for Petitioner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

IN RE: PETITION FOR
SPECIAL HEARING
IN THE MATTER OF
MARGARET PAGAN
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-214-SPH (ITEM 207)

TO: REV. GEORGE RADIANO
c/o Eastern Assembly of God Church
7923 Wise Avenue
Baltimore, Maryland 21222

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
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EDWARD C. COVAHEY, JR.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorney for Petitioner

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

RE: PETITION FOR SPECIAL HEARING
61 Wise Avenue, SW/S service drive
of Wise Avenue, 375' NW of c/l
Inverness Dr., 12th Election Dist.,
7th Councilmanic
Margaret Pagan
Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-214-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy
of the foregoing Entry of Appearance was mailed to Edward C. Covahy,
Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, attorney for
Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

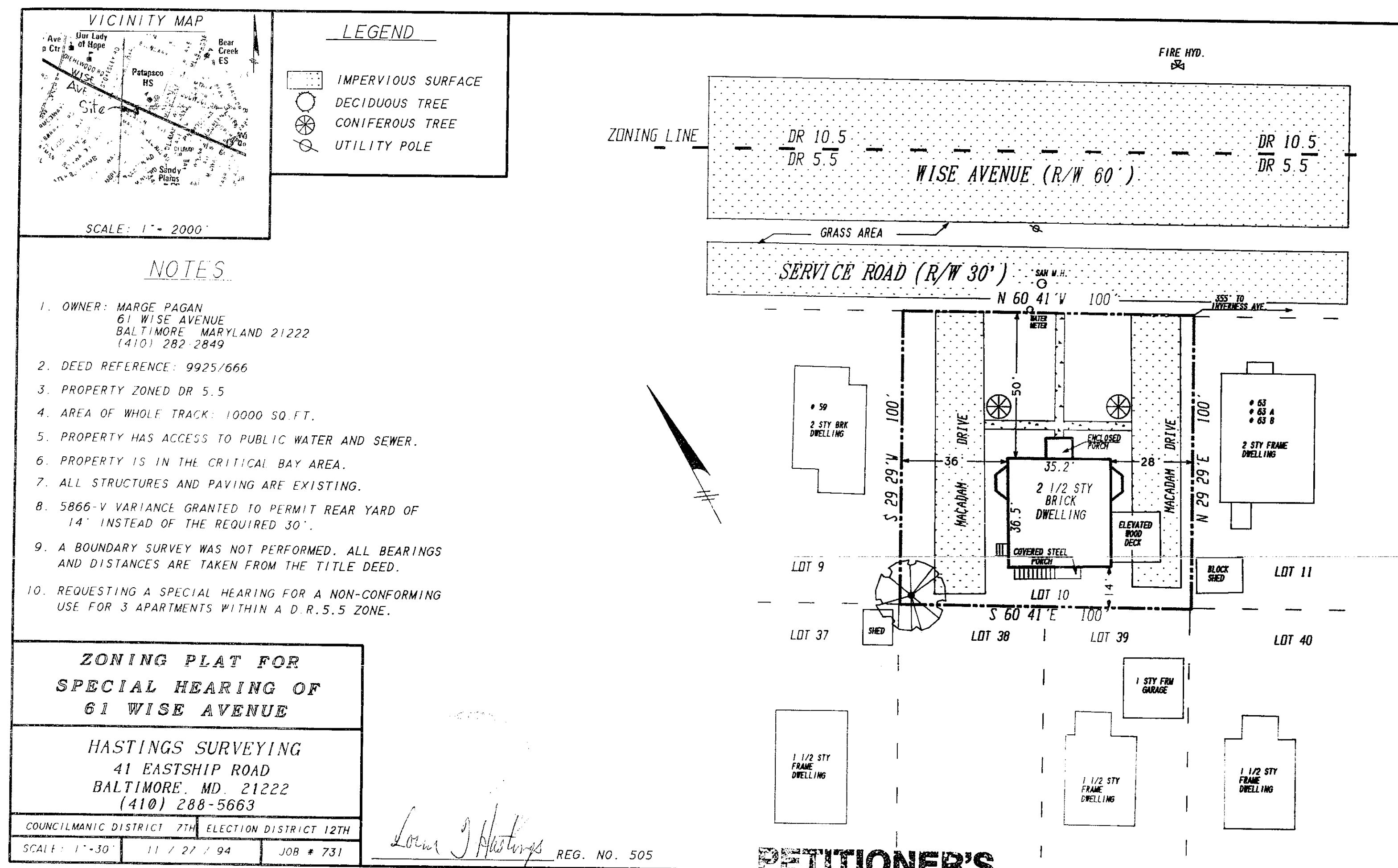
HARRY HUTCHINSON
GREGORY LILLY
ADDRESS
65 WISE AVE BALT MD 21222
57 WISE AVE 11 21222

PLEASE PRINT CLEARLY

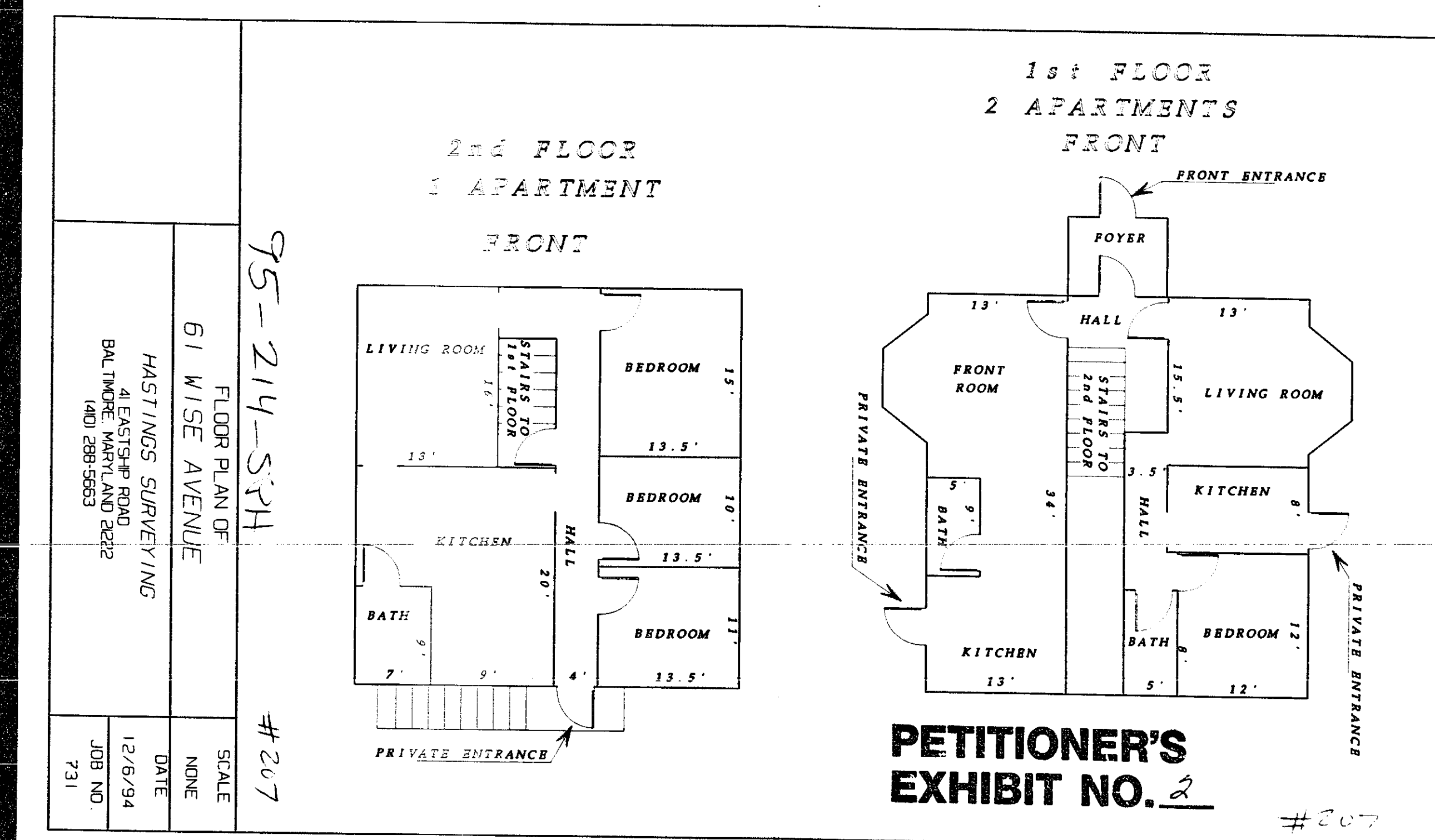
PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Anthony J. DiPanno, Esq. 614 Bosley Ave 21204
William J. Pagan 6504 Hebe Ave
Margaret Pagan 6504 Hebe Ave
George Radiano 63 W. Ave
George Radiano 1955 W. Ave
James Radiano 41 East St Rd 21222

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PETITIONER'S
EXHIBIT NO. #1 95-214-SPH #207



PETITIONER'S
EXHIBIT NO. 2

MLS# (BC) 70180 ** ACTIVE ** -1- RESIDENTIAL
61 WISE AVE. Z 21222 MAP: BC45A05 LIST: \$132,500
DUNDALK GR. CAP: GROUND RENT: \$0

DESCRIPTION: VICTORIAN 2 LEVELS DETACHED 6 BEDROOMS 3/0 BATHS
AGE UNKN BRICK HOME AL/VNVL TRIM ASPH SH ROOF

LOT SIZE: .23 ACRES 100X100 W/LARGE DRIVEWAYS
R O O M S: LR: 13X15 DR: 11X15 KIT: 9X9
MB: 13X13/2 BR2: 13X12/2 BR3: 13X10/2 BR4: 12X10/1

FLOOR PLAN: FORMAL LR ENTRY HALL EAT IN KITCH MODERN KIT LAUNDRY
INTERCOM

APPLIANCES: ELEC RANGE SELF-CL OVEN REFRIGERATOR DISHWASHER DISPOSAL
AMENITIES: NO WAX KITCH EX CURTIN ROD EX SHADES EX LGT FXTRS INCL 1+ APT
FAN ON RANGE CNTRL VACUUM UPDATO PLUMB UPDATED BATH SHOWER/TUB

LOWER LEVEL: HALF, UNIMPRV OUTSIDE ENTR
H E A T: FUEL-OIL HEAT-HUBB CENTRAL A/C CEILING FANS WDW SCREENS
EX STORM WNW EX RPLC WNW EX STORM DRS ATTIC INSUL EX WALL INSL

S I T E: DECK EXT LIGHTING 2-CAR CARPRT PARKING PAD DRIVEWAY
OFF-ST PARK INSIDE LOT LEVEL LOT LANDSCAPED

U T I L: PUBLIC WATER PUBLIC SEWER 220V SERVICE
O E E D: LIBER: 5436 FOLIO: 681

ANNUAL FEES: TX: \$1,000

DIRECTIONS: MERRITT BVD. TO E. ON WISE AVE.
REMARKS: VERY LARGE HOME, NOE AS 3 UNITS, 41-38D, 18A, LR, EAT-IN KIT.
DECK, UNIT #2-18R, LR, KIT, BA, UNIT #3-LARGE KIT, AND LIVIN
ROOM, BATH, ALL UNITS W APPLIANCES, ZONED AS 3 UNITS.

EXCLUDED: CALL OFFICE CALL L.A. POSS: 60-90
S H O W: SIGN POSTED

* ALL INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED BY THE BROKER OR CMMLS *

** LISTING AGENT INFORMATION **
LA: Frances Cesena PH: 282-1691 CO: 3. BB: Y TL: ER
LB: 3152 Coldwell Banker PH: 410-288-1700 MLS#: (BC) 70180
-- COPYRIGHT (C) 1993 BY CENTRAL MARYLAND MULTIPLE LISTING SERVICE, INC. --

PETITIONER'S
EXHIBIT NO. 3

SEVERN APPRAISAL ASSOCIATES, INC. Real Estate Appraisers

CONDITIONAL USE PERMIT FOR TWO OR MORE APARTMENTS

This Use Permit for 3 apartment(s) at 61 WISE AVE.
(address)
is issued entirely upon the basis of the herein affidavit, including the dates
of original use and continuous use sworn to therein. The responsibility for the
accuracy of said dates and uses is entirely that of the legal owner and/or agent
thereof. In the event that the accuracy is challenged our approval is auto-
matically withdrawn; the use permit will be reinstated only after public hearing
and submission of testimony that alleviates the allegations contained in the
challenge and otherwise provides the proof necessary to establish a legal non-
conforming use for the number of apartments claimed. Knowingly falsifying the
affidavit information on the reverse side of this permit is subject to the
penalties of perjury.

DATE: 8/5/93

APPROVED BY: Carl J. [Signature]
ZONING COMMISSIONER, BALTIMORE COUNTY

REV: 5/18/87 HS051

PETITIONER'S
EXHIBIT NO. 4

2200 Tiedbrook Parkway, Suite #500, Rockville, Maryland 20852 (301) 770-5000

SEVERN APPRAISAL ASSOCIATES, INC. Real Estate Appraisers

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning
Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the
Affiant, and Affiant is competent to testify thereto in the event that a public
hearing is scheduled in the future with regard thereto.

William J. Hillegas Jr.
AFFIANT (Handwritten Signature)
WILLIAM J. HILLEGAS JR.
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by
indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that
the home located at 61 WISE AVE, BALTO, MD 21222
has been occupied as a THREE apartment dwelling since
(year, month, etc.)

NOVEMBER 1992 ? YES
(month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have
been occupied by renters every year since NOVEMBER
1992 ? YES (SEE ATTACHED STATEMENT) (month)
(year) (answer)

Will you realize any gain from the sale of this Property? NO
(answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of FEBRUARY, 1993,
before me, a Notary Public of the State of Maryland, in and for the County
of said, personally appeared Carl J. Hillegas
the Affiant herein, personally known or satisfactorily identified to me as such
Affiant, and made oath in due form of law that the matters and facts hereinabove
set forth are true and correct to the best of his/her knowledge and belief.

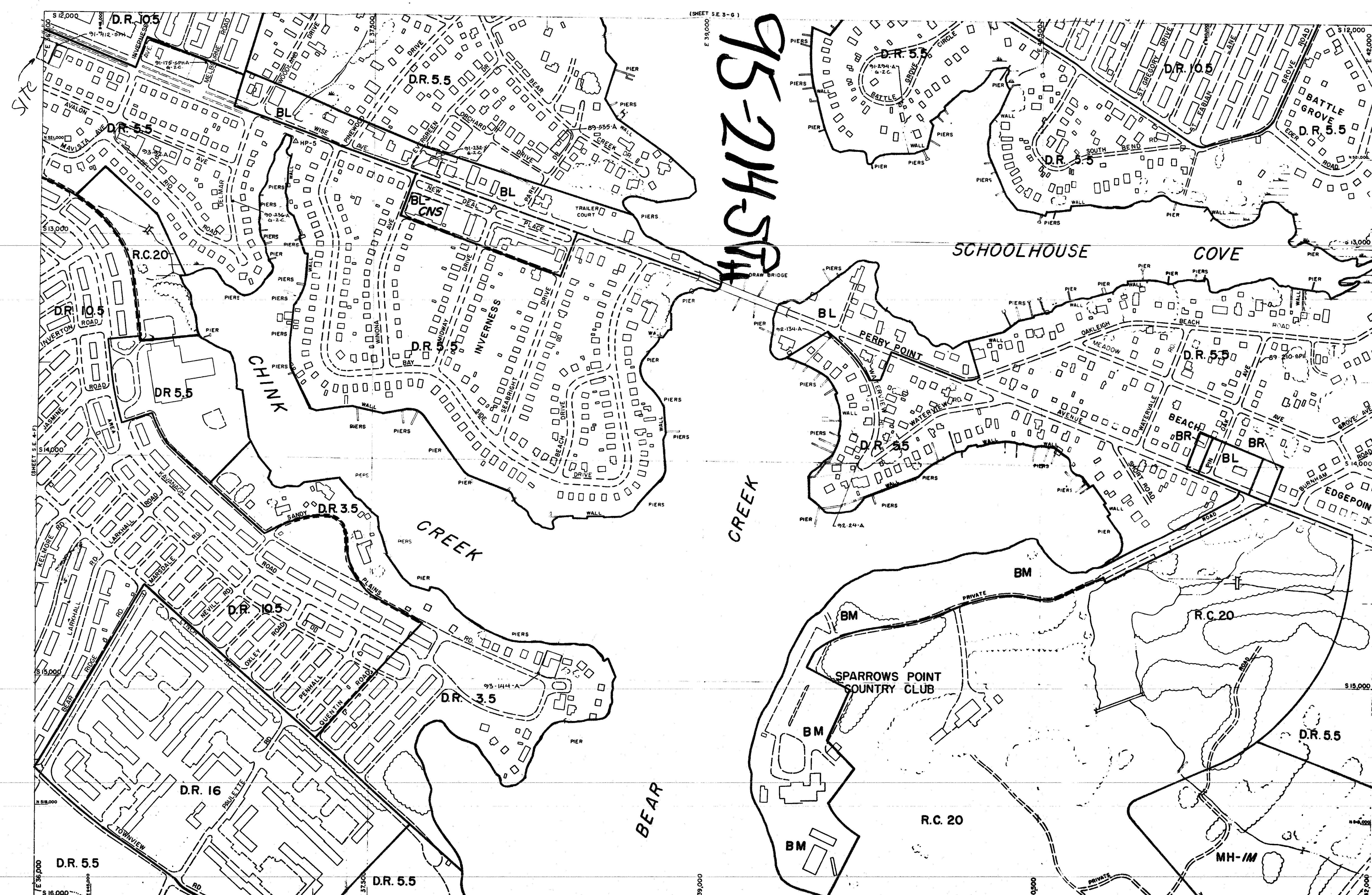
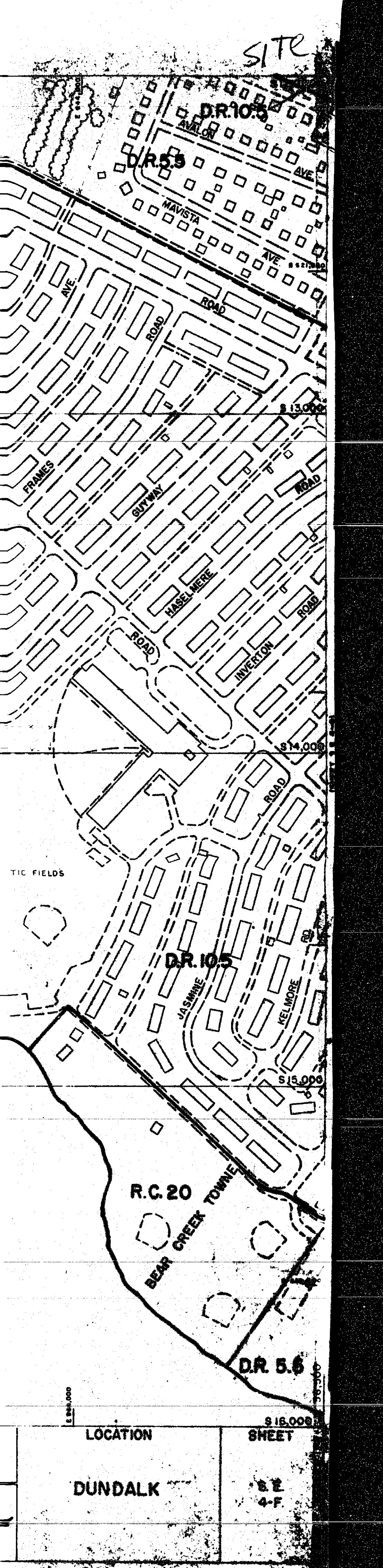
AS WITNESS my hand and Notarial Seal.

Carl J. Hillegas
NOTARY PUBLIC
My Commission Expires: 3/1/93

PETITIONER'S
EXHIBIT NO. 5

2200 Tiedbrook Parkway, Suite #500, Rockville, Maryland 20852 (301) 770-5000

AUG 19 '94 15:51 1 381 228 1818 PAGE 87



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1988
BMC Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Del. G. L. [Signature]
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
BMC Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

LOCATION	SHEET
NORTH POINT	4-G

SCALE	DATE OF PHOTOGRAPHY
1" = 200' ±	JANUARY 1986

LOCATION	SHEET
INVERNESS	4-G